



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Steven W. Meeks et al.  
APPLICATION NO.: 09/818,199  
FILING DATE: March 26, 2001  
TITLE: Combined High Speed Optical Profilometer And Ellipsometer  
EXAMINER: T. Nguyen  
GROUP ART UNIT: 2877  
ATTY. DKT. NO.: 20830-05727

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: October 23, 2003

By: 

Nathan S. Huynh, Reg. No. 53,052

COMMISSIONER FOR PATENTS  
WASHINGTON, DC. 20231

**INFORMATION DISCLOSURE STATEMENT**

**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449 listing references for consideration by the Examiner. A copy is enclosed herewith of each listed reference which may be material to the examination of this application, and with respect to which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. [SERIAL NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

The Information Disclosure Statement submitted herewith is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first official action on the merits, whichever event last occurred; OR
  - ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
  - ☒ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either:
    - (1) a final action under 37 CFR §1.113; OR
    - (2) a notice of allowance under 37 CFR §1.311; AND
    - ☐ attached hereto is the fee of \$180, as set forth under 37 CFR §1.17(p), for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
    - ☒ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
      - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
      - ☒ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.
- OR
- ☐ before the payment of the issue fee but after the mailing date of the first to occur of either:
    - [1] a final action under 37 CFR § 1.113; OR
    - [2] a notice of allowance under 37 CFR § 1.311; AND
    - in accordance with the requirements of 37 CFR § 1.97(d):
    - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:

☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR

☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

☐ Applicant hereby respectfully petitions for the consideration of the accompanying Information Disclosure Statement under 37 CFR § 1.97(d)(2); AND

☐ Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).

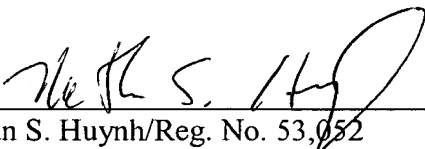
☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

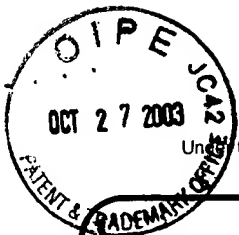
☒ Applicant submits that no fee is required for the consideration of the accompanying Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
STEVEN W. MEEKS ET AL.

Dated: October 23, 2003

By:   
Nathan S. Huynh/Reg. No. 53,052  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (650) 335-7211  
Fax.: (650) 938-5200



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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

Application N .	09/818,199
Filing Dat	March 26, 2001
First Named Inventor	Steven W. Meeks
Art Unit	2877
Examiner Name	T. Nguyen
Attorney Docket Number	20830-05727

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document No.		Name of Patentee or Applicant of Cited Document
		Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	
	A1	US-6,542,248	04-2003	Schwarz, Peter
	A2	US-6,353,222	03-2002	Dotan, Noam
	A3	5,986,763	11-19991	Inoue, Mitsuji

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY		

**OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>

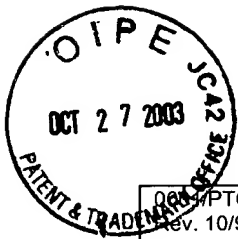
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

20830/04304/DOCS/1386174.1



2871  
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10/23/03

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>		Application Number	09/818,199
		Filing Date	March 26, 2001
		First Named Inventor	Steven W. Meeks
		Group Art Unit Number	2877
		Examiner Name	T. Nguyen
Total Number of Pages in This Submission	5*	Attorney Docket Number	20830-05727

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**REMARKS:** \*total number of pages does not include cited reference.

SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Nathan S. Huynh/Reg. No. 53,052	Dated:	October 23, 2003

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